

## EDITORIAL

## Alcoholic beverages in trade agreements: Industry lobbying and the public health interest

Alcohol is the only substance commonly used for intoxication that is not subject to an international agreement regulating its trade in the interest of public health and welfare [1]. Rather, it is commonly dealt with in international trade as an ordinary item of consumption and, indeed, is subject to fewer international regulations, for instance, on labelling of ingredients, than other foodstuffs [2]. In recent decades, the production and distribution of alcoholic beverages have become increasingly oligopolised, dominated by a relatively small number of transnational corporations [3]. Although only a small proportion of alcoholic beverage production is transported between continents, production, branding and distribution of the beverages are largely controlled by transnational corporations, and their marketing also increasingly reaches across borders with the growth of the digital economy and social media.

Like any other industry producing commodities for international trade, alcohol industry corporations and their industry associations have a strong interest in the terms of trade in their commodity, and also in the protection of their investment in each country they operate in. They are, therefore, commonly active in politics and policies affecting their interest not only internationally but also at the national level, although a transnational firm will often work through local affiliates or industry associations. Transnational firms, however, are well placed to use information or experience gained in one country elsewhere, as parallel issues come up in other countries.

Apart from exerting their influence directly on the conditions of importation, sale and promotion in a particular country, in the current era alcohol industry interests also have a strong focus on influencing international agreements governing trade and investment across national borders, which can have strong effects on what happens in a national market. Until fairly recently, however, relatively little attention was paid in public health research to this international aspect of the control of alcohol problems.

Seeking to extend scholarship on this and other aspects of the global governance of alcohol, an international conference of the Kettil Bruun Society for Social

and Epidemiological Research on Alcohol (KBS) was held in Melbourne from 30 September to 3 October 2019. Organised by the Centre for Alcohol Policy Research at La Trobe University and by the Melbourne Law School, and sponsored by the Victorian Health Promotion Foundation and the Foundation for Alcohol Research and Education, the conference brought together KBS researchers with relevant study interests and researchers in public health and international law to present and discuss papers on the conference topic of Public Health and Global Governance of Alcohol.

The general frame of the meeting was set by the opening paragraph of the invitation to it:

*Urgent action is needed by governments to control the marketing, labelling and availability of alcohol given the growing evidence about the burden of disease and premature mortality associated with alcohol consumption. But alcohol needs to be seen not just as a domestic issue, but as a global health problem. The sources of the harm (especially in the form of global alcohol industry conduct) cross borders, nearly all countries experience a range of harms from alcohol consumption, and the potential solutions to these problems increasingly require international innovation and solidarity through global governance. In this context, 'global governance' refers to the laws, rules, norms, institutions, processes and practices of state and non-state actors across national borders relating to alcohol.*

Forty participants, from 15 countries, presented papers at the conference. As customary at KBS conferences, most of the papers were pre-submitted and were available on the conference website, with a designated commentator initiating discussion of the paper by participants. Panel discussion sessions considered research needs arising out of the meeting and what could be concluded for policy and advocacy initiatives. Paper authors were encouraged by the meeting organisers to revise their papers and submit them for review and publication in clusters of papers on particular topical areas.

The three papers in this special section of *Drug and Alcohol Review* constitute one of these clusters, concerned with the interplay between alcohol industry interests and the processes of determining, at both national and international levels, issues involving alcohol products and market interests in trade and investment agreements. Three further forthcoming papers in the *Journal of Studies on Alcohol and Drugs* consider issues around conflict of interest and alcohol industry submissions and involvement in national and international policymaking [4–6]. Eight forthcoming papers in the *European Journal of Risk Regulation* are concerned with issues in the global governance of alcohol in the context of the World Health Organization and other intergovernmental organisations and agreements [1,2,7–12]. Revisions of several other papers presented at the conference are also published or forthcoming in other journals [13–17].

In the 1990s, the focus of discussions of global governance of international trade would have been primarily on multilateral agreements on trade in commodities under the World Trade Organization (WTO) umbrella. In this context, alcoholic beverages are primarily regarded as just another set of items of consumption, subject to trade rules that sought to create an open international market for commodities, free of governmental restrictions, which in this context are conceived as ‘barriers to trade’. ‘Public health exceptions’ in trade treaties, in principle, offered some protection for measures that controlled and restricted imports in the interest of public health, but justifying exceptions for alcohol on these grounds has proven difficult and uncertain [18]. Recent decades have seen some fragmentation in the system, with multiple bilateral and regional trade agreements becoming the primary forums for negotiation, and the growth of ‘investor-state dispute settlement’ provisions to protect private investments from state actions. Meanwhile, however, the WTO and its institutions remain an important part of the picture.

The paper by Miller *et al* [19] examines submissions to a national government agency by the alcohol industry and relevant business associations about alcohol issues in negotiations on free trade agreements. The submissions available for study are public documents, so the paper examines the public side of industry lobbying, not what goes on behind closed doors [20]. Not all of the issues raised in the submissions would be problematic from a public health perspective: whether European producers are granted a monopoly on the term ‘Prosecco’ does not have an obvious implication for public health. However, as the paper notes, a key priority for the submissions was the reduction or elimination of tariffs, which does have public health implications, as do efforts to harmonise regulations or reduce them. The paper thus makes a case for public health input to trade agreement negotiations.

The paper by Gleeson and O’Brien [21] examines some of the outcomes of negotiations like those that were the subject of the submissions studied by Miller and associates. They find that, although the Trans-Pacific Partnership negotiated in 2015 did not go into effect in its original form, the innovation that it had included, a provision that government requirements for health warnings and other health information on containers of alcoholic beverages could be satisfied by putting the information on an ill-defined ‘supplementary label’ was subsequently adopted in several other trade agreements. The authors found versions of this provision, clearly preferencing industry over public health interests, in five regional or bilateral trade agreements signed between 2016 and 2019. The authors close with several suggestions on how the adverse public health effects of such provisions might be neutralised or mitigated.

The paper by Janardhan [22] describes the issues for alcohol control in the more general context of building public health exceptions into free trade agreements. The article notes that, although bilateral and regional trade agreements have been pursued as a more flexible alternative to the WTO agreements, jurisprudence interpreting and applying them still falls back on rulings about WTO provisions. To limit, on public health grounds, the application of trade rules to alcohol, Janardhan suggests that one option is ‘carveouts’ specifically for alcohol, as has been done for tobacco in some agreements and for alcohol in one, the Pacific Island Countries Trade Agreement [23], but that a better solution would be ‘creating stronger and more legally defensible general health exceptions’ in the agreements.

These three papers are a timely contribution concerning issues in the global governance of alcohol, applying in the specific area of alcohol problems considerations that also arise more generally concerning how trade agreements may deter governments from pursuing public health and welfare interests [24]. Trade agreements, and the influence on them of alcohol industry interests, are of course only one topical area in the more general issue of the global governance of alcohol, and we also recommend to our readers the other papers from the conference that have been mentioned above.

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## References

- [1] Room R, Cisneros Örnberg J. A framework convention on alcohol control: getting concrete about its contents. *Eur J Risk Regul.* 2020 [In press].
- [2] Hepworth P, Ward S, Schölin L. Alcohol labelling in the global food system: the progress and implications of recent work in the codex committee on food Labelling. *Eur J Risk Regul* 2020; [Epub ahead of print]:1–17.
- [3] Jernigan D, Ross CS. The alcohol marketing landscape: alcohol industry size, structure, strategies, and public health responses. *J Stud Alcohol Drugs Suppl* 2020;19 (Suppl 19):13–25.
- [4] Stafford J, Kypri K, Pettigrew S. Industry actor use of research evidence: critical analysis of Australian policy submissions. *J Stud Alcohol Drugs.* 2020 [In press].
- [5] Amul GGH. Alcohol advertising promotion and sponsorship: a review of regulatory policies in ASEAN. *J Stud Alcohol Drugs.* 2020 [In press].
- [6] Collin J. Taking steps towards coherent global governance of alcohol: the challenge and opportunity of managing conflict of interest. *J Stud Alcohol Drugs.* 2020 [In press].
- [7] Room R. Global intergovernmental action to minimise alcohol problems: the ‘back story’. *Eur J Risk Regul* 2020 [Epub ahead of print].
- [8] Slattery C. Using human rights law to progress alcohol control. *Eur J Risk Regul* 2020 [Epub ahead of print]:1–16.
- [9] O’Brien P. Missing in action: the global alcohol strategy and the WTO. *Eur J Risk Regul* 2020 [Epub ahead of print].
- [10] Burci GL. A global legal instrument for alcohol control: options prospects and challenges. *Eur J Risk Regul* 2020 [Epub ahead of print]:1–15.
- [11] Zhou S. What difference would a binding international legal instrument on alcohol control make? Lessons from the World Health Organization Framework Convention on Tobacco Control’s impact on domestic litigation. *Eur J Risk Regul* 2020 [Epub ahead of print].
- [12] Rehm J, Casswell S, Manthey J, Room R, Shield K. Reducing the harmful use of alcohol: have the targets been met? *Eur J Risk Regul* 2020 [Epub ahead of print].
- [13] Bertscher A, Röhrs S, London L. A human rights analysis of South Africa’s control of marketing of alcoholic beverages bill. Homa Publica. 2020 [In press].
- [14] Hoe C. ‘Drink, but don’t drive?’ Alcohol industry’s involvement in global road safety. *Health Policy Plan.* 2020 [In press].
- [15] Kelsey J. How digital trade agreements constrain regulatory autonomy: the case of regulating alcohol marketing in the digital age. *NZUL Rev* 2020;29:153–79.
- [16] Townsend B, Friel S, Schram A, Baum F, Labonté R. What generates attention to health in trade policy making? Lessons from success in tobacco control and access to medicines: a qualitative study of Australia and the (comprehensive and progressive) trans-Pacific partnership. *Int J Health Policy Manag* 2020 [In press, doi: 10.34172/ijhpm.2020.80]:1–12.
- [17] Vallance K, Vincent A, Schoueri-Mychasiw N *et al.* News media and the influence of the alcohol industry: an analysis of media coverage of alcohol warning labels with a cancer message in Canada and Ireland. *J Stud Alcohol Drugs* 2020;81:273–83.
- [18] McGrady B. *Trade and Public Health: The WTO, tobacco, alcohol, and diet.* Cambridge: Cambridge University Press, 2011.
- [19] Miller M, Wilkinson C, Room R *et al.* Industry submissions on alcohol in the context of Australia’s trade and investment agreements: a content and framing analysis of publicly available documents. *Drug Alcohol Rev* 2021;40:22–30.
- [20] Room R. Advancing industry interests in alcohol policy: the double game. *Nord Stud Alcohol Dr* 2006;26:389–402.
- [21] Gleeson D, O’Brien P. Alcohol labelling rules in free trade agreements: advancing the industry’s interests at the expense of the public’s health. *Drug Alcohol Rev* 2021;40:31–40.
- [22] Janardhan S. Harnessing trade and investment agreements to promote public health. *Drug Alcohol Rev* 2021;40:41–9.
- [23] Legge D, Gleeson D, Snowdon W, Thow AM. Trade agreements and non-communicable diseases in the Pacific islands. Working paper; 2013. Available at: [https://www.who.int/nmh/events/2013/trade\\_agreement.pdf](https://www.who.int/nmh/events/2013/trade_agreement.pdf) (accessed 21 July 2020).
- [24] Gleeson D, Labonté R. *Trade Agreements and Public Health.* Singapore: Springer, 2020.